

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ANITA L. MENEFEE,)	
)	
Plaintiff)	
)	
vs.)	No. CIV-09-1259-C
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for judicial review of the Commissioner's denial of supplemental security income benefits was referred for initial proceedings to United States Magistrate Judge Valerie K. Couch, consistent with 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on August 31, 2010, recommending that the decision of the Commissioner be affirmed. Plaintiff, through counsel, has timely filed an objection to this report, and the Court therefore considers the matter de novo.

In her thorough and well-reasoned Report and Recommendation, Judge Couch sets out the relevant facts and prevailing law, and no purpose would be served to repeat those here. Plaintiff's only objection to the Report and Recommendation is that the Magistrate Judge erred in her evaluation of the ALJ's finding that Plaintiff did not meet or equal the listing described in 20 C.F.R. Pt. 404, Subpt. P, App. 1, § 12.04. Plaintiff argues, in essence,

that both the ALJ and Judge Couch ignored the meet *or equal* language. To the contrary, Judge Couch thoroughly evaluated the facts and law and correctly concluded there was substantial evidence to support the ALJ's finding that Plaintiff neither met nor equaled the 12.04 listing.

Accordingly, the Court adopts and affirms, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons stated therein, the decision of the Commissioner in this case is affirmed. A judgment will enter accordingly.

IT IS SO ORDERED this 30th day of September, 2010.


ROBIN J. CAUTHRON
United States District Judge